

176 *Who shall be Justices of the Peace, and what Authority they shall have. Cro. El. 148, 689. 8 Co. 36. 1 Ed. 3, Stat. 2, c. 16. 2 Ed. 3, c. 6. 18 Ed. 3, Stat. 2, c. 2. 13 R. 2, Stat. 1, c. 7. 2 H. 5, Stat. 1, c. 4.

This Statute empowers justices to bind over "to the good behaviour." It is explained in 4 Black. Comm. 256, and see 1 Hawk. P. C. 132. How far the provisions of the Statute ought to be enforced at the present day may be a matter of question.¹ In 2 Arch. Just. 454, justices are recommended to abstain from acting under it, where no complaint requiring such recognizances to be taken has been made, except only in cases where a conviction for some offence of a dangerous kind has taken place, and circumstances render probable a repetition of it by the same offender.

¹ It is said in *State v. Glenn*, 54 Md. 603, that where there is a proper foundation laid, a justice may require a party to give surety for his good behavior towards the state and the people generally under the above statute and upon failure to do so, he may commit the party to prison. Cf. *Hyde v. Greuch*, 62 Md. 577.

As to duties of justices as investigators of charges for indictable offenses, see *McBee v. Fulton*, 47 Md. 403, 425; as conservators of the peace, see *Hagerstown v. Dechert*, 32 Md. 369.

STATUTES

Made at WESTMINSTER, Anno 36 EDW. III. and A. D. 1362.

CAP. XV.

Pleas shall be pleaded in the *English* Tongue, and enrolled in *Latin*.

Item, Because it is often shewed to the King by the Prelates, Dukes, Earls, Barons, and all the Commonalty, of the great Mischiefs which have happened to divers of the Realm, because the Laws, Customs, and Statutes of this Realm be not commonly holden and kept in the same Realm, for that they be pleaded, shewed, and judged in the

Item pur ce qe monstre est soventfoitz au roi par prelatz ducs counts barons & tout la commune les grantz meschiefs qe sont advenuz as plusors du realme de ce qe les leyes costumes & estatutz du dit realme ne sont pas conuz communement en mesme le realme par cause qils sont pledez monstrez